

Adopted	Rejected
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COMMITTEE REPORT

YES:	13
NO:	0

MR. SPEAKER:

*Your Committee on **Elections and Apportionment**, to which was referred Senate Bill 268, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 elections and to make an appropriation.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 3-5-2-26.2 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 7 UPON PASSAGE]: **Sec. 26.2. "HAVA" refers to the federal Help**
- 8 **America Vote Act of 2002 (42 U.S.C. 15301 through 15545). A**
- 9 **reference to:**
- 10 (1) "Section 101" of HAVA is a reference to 42 U.S.C. 15301;
- 11 and
- 12 (2) "Section 102" of HAVA is a reference to 42 U.S.C. 15302.
- 13 SECTION 2. IC 3-5-2-26.4 IS ADDED TO THE INDIANA CODE

AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 26.4. "Identifying information" refers to any of the following:**

(1) A copy of a current and valid piece of identification containing a photograph of the voter.

(2) A copy of any of the following that shows the name and address of the voter:

(A) A current utility bill.

(B) A current bank statement.

(C) A current government check.

(D) A current paycheck.

(E) A current government document.

SECTION 3. IC 3-5-2-53 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 53. "Voting system" means the following:**

(1) **Before January 1, 2006**, a combination of mechanical, electromechanical, or electronic equipment that is used to cast and count votes. The term includes the software and firmware required to program and to control the equipment. Equipment that is not an integral part of a voting system but that can be used as an adjunct to the system is considered to be a component of the system.

(2) **After December 31, 2005, as provided in 42 U.S.C. 15481:**

(A) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support that equipment) that is used:

(i) to define ballots;

(ii) to cast and count votes;

(iii) to report or display election results; and

(iv) to maintain and produce any audit trail information; and

(B) the practices and associated documentation used:

(i) to identify system components and versions of those components;

(ii) to test the system during its development and maintenance;

(iii) to maintain records of system errors and defects;
 (iv) to determine specific system changes to be made to
 a system after the initial qualification of the system; and
 (v) to make available any materials to the voter (such as
 notices, instructions, forms, or paper ballots).

SECTION 4. IC 3-5-4-7, AS AMENDED BY P.L.122-2000,
 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 UPON PASSAGE]: Sec. 7. Except as otherwise provided in this title,
 a reference to a federal statute or regulation in this title is a reference
 to the statute or regulation as in effect January 1, ~~2000~~ **2003**.

SECTION 5. IC 3-5-8-2, AS ADDED BY P.L.126-2002, SECTION
 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 2003]: Sec. 2. **(a)** The statement required by section 1 of this chapter
 must contain the following:

(1) A statement of the qualifications that an individual must meet
 to vote in Indiana, including qualifications relating to registration.

(2) A statement describing the circumstances that permit a voter
 who has moved from the precinct where the voter is registered to
 return to that precinct to vote.

(3) A statement that an individual who meets the qualifications
 and circumstances listed in subdivisions (1) and (2) may vote in
 the election.

(4) A statement describing how a voter who is challenged at the
 polls may be permitted to vote.

(5) Voting instructions.

**(6) General information on voting rights under applicable
 federal and Indiana law. This information must include the
 following:**

**(A) Information on the right of an individual to cast a
 provisional ballot.**

**(B) Instructions on how to contact the appropriate officials
 if voting rights are alleged to have been violated.**

**(7) General information on federal and Indiana law regarding
 prohibitions on acts of fraud and misrepresentation.**

(8) A statement informing the voter what assistance is available
 to assist the voter at the polls.

~~(6)~~ **(9)** A statement informing the voter what circumstances will
 spoil the voter's ballot and the procedures available for the voter

1 to request a new ballot.

2 ~~(7)~~ **(10)** A statement describing which voters will be permitted to
3 vote at the closing of the polls.

4 ~~(8)~~ **(11)** Other information that the commission considers
5 important for a voter to know.

6 **(b) The information required by subsection (a)(5), (a)(6), and**
7 **(a)(7) is not required before January 1, 2004.**

8 SECTION 6. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS
9 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2003]:

11 **Chapter 9. Election Administration Assistance**

12 **Sec. 1. As used in this chapter, "fund" refers to the election**
13 **administration fund established by section 3 of this chapter.**

14 **Sec. 2. For purposes of this chapter, "purchase" includes**
15 **purchase, lease-purchase, and lease.**

16 **Sec. 3. (a) The election administration fund is established to**
17 **carry out the purposes described in this chapter.**

18 **(b) The fund consists of the following:**

19 **(1) Money appropriated to the fund by the general assembly.**

20 **(2) Proceeds of bonds issued by the Indiana bond bank for**
21 **acquisition of voting systems as authorized by law.**

22 **(3) All money paid to the state under Section 101 of HAVA.**
23 **The auditor of state shall establish a separate account in the**
24 **fund for money received under Section 101 of HAVA.**

25 **(4) All money paid to the state under Section 102 of HAVA.**
26 **The auditor of state shall establish a separate account in the**
27 **fund for money received under Section 102 of HAVA.**

28 **(5) All money paid to the state under 42 U.S.C. 15401 through**
29 **42 U.S.C. 15408 of the federal act. The auditor of state shall**
30 **establish a separate account in the fund for money received**
31 **under 42 U.S.C. 15401 through 42 U.S.C. 15408.**

32 **The budget agency shall allocate money appropriated by the**
33 **general assembly and proceeds of bonds issued by the Indiana**
34 **bond bank to the appropriate account within the fund as required**
35 **to match federal funds or as otherwise required by law.**

36 **(c) The election division shall administer the fund.**

37 **(d) The expenses of administering the fund shall be paid from**
38 **money in the Section 101 account of the fund.**

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund and allocated among the accounts within the fund according to the balances of the respective accounts.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund is appropriated continuously to carry out the purposes described in this chapter.

(h) Expenditures from the fund are subject to approval of the budget agency.

Sec. 4. Money received under Section 101 of HAVA shall be used for the following purposes:

(1) To reimburse counties for the purchase of new voting systems purchased after November 7, 2000, to the extent that money received under Section 102 of HAVA is insufficient for this purpose.

(2) To reimburse counties for upgrade or expansion of existing voting systems to comply with requirements of HAVA.

(3) Any other purpose authorized by this title and under Section 101 of HAVA.

Sec. 5. (a) Money received under Section 102 of HAVA shall be used to reimburse counties for the purchase of voting systems:

(1) acquired after November 7, 2000; and

(2) to replace:

(A) punch card voting systems; or

(B) voting machine systems.

(b) A county may be reimbursed under this section an amount not more than the amount determined by STEP TWO of the following formula:

STEP ONE: Determine the number of precincts in the county that used a punch card voting system or a voting machine system at the November 2000 general election.

STEP TWO: Multiply the number determined in STEP ONE by four thousand dollars (\$4,000).

Sec. 6. (a) Except as provided in subsection (b), money received

under 42 U.S.C. 15401 through 42 U.S.C. 15408 shall be used to comply with the requirements of 42 U.S.C. 15481 through 42 U.S.C. 15502.

(b) As provided in 42 U.S.C. 15401(b), money received under 42 U.S.C. 15401 through 42 U.S.C. 15408 may be used for other purposes authorized by Section 101 of HAVA if the election division makes the certification required by 42 U.S.C. 15401(b)(2)(B).

(c) If the election division makes the certification described in subsection (b), the election division may transfer amounts that do not in total exceed the amount described in 42 U.S.C. 15401(b)(2)(B) from the account for money received under 42 U.S.C. 15401 through 42 U.S.C. 15408 to the Section 101 account in the fund.

Sec. 7. (a) To receive reimbursement for purchase of voting systems under this chapter, a county must make application to the budget agency.

(b) The budget agency, after review by the budget committee, shall approve a county's application for reimbursement under this chapter if the budget agency determines either of the following:

(1) That the county has purchased or has obligated to purchase a new voting system to replace a punch card voting system or a voting machine system after November 7, 2000.

(2) That the county has purchased or has obligated to purchase an upgrade or expansion of existing voting systems to comply with requirements of the federal act.

(c) The budget agency shall give priority to applications under subsection (b)(1) when approving applications under this section.

(d) If a county's application is approved under this section, the election division shall reimburse a county from the fund.

(e) Payment of money from the fund is subject to the availability of money in the fund and the requirements of this chapter and HAVA.

Sec. 8. (a) As used in this section, "department" refers to the Indiana department of administration established by IC 4-13-1-2.

(b) The department shall award quantity purchase agreements to vendors for new voting systems or upgrades or expansion of existing voting systems by counties.

(c) The department may not issue a quantity purchase agreement for a voting system that does not satisfy the requirements for voting systems established under this title.

(d) A quantity purchase agreement awarded under this section must include options for a county to:

- (1) purchase;
- (2) lease-purchase; or
- (3) lease;

new voting systems or upgrades or expansion of existing voting systems.

(e) A quantity purchase agreement awarded under IC 3-11-6.5-1 (before its repeal) that otherwise complies with the requirements of this section is valid under this section.

Sec. 9. Before January 1, 2006, each county shall enter into an agreement to purchase at least one (1) voting system for each polling place in the county to meet the standards required by IC 3-11-15-13.

SECTION 7. IC 3-6-4.2-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.** (a) The co-directors of the election division shall apply to the Secretary of Health and Human Services for payments under 42 U.S.C. 15421 through 42 U.S.C. 15425 to do the following:

(1) Make polling places, including parking, the path of travel, entrances, exits, and voting areas of each polling place, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

(2) Provide individuals with disabilities and the other individuals described in subdivision (1) with information about the accessibility of polling places, including outreach programs to inform those individuals about the availability of accessible polling places.

(3) Train election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections for federal office.

(b) If the co-directors receive payments from the United States Department of Health and Human Services under 42 U.S.C. 15421 through 42 U.S.C. 15425, the co-directors shall spend the money as described in the application submitted by the co-directors under 42 U.S.C. 15423.

(c) Money received by the co-directors under this section is continuously appropriated for the purposes described in subsection (a).

SECTION 8. IC 3-6-4.2-15.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 15.1.** As required by 42 U.S.C. 1973ff-1(b), the election division is designated as the single office responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters.

SECTION 9. IC 3-6-4.2-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 16. (a)** As required by 42 U.S.C. 1973ff-1(c), not later than ninety (90) days after the date of each regularly scheduled general election for federal offices, the election division shall submit to the federal Election Assistance Commission the following information:

(1) The combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election.

(2) The combined number of absentee ballots returned and cast by absent uniformed services voters and overseas voters at the election.

(b) The county election board of each county shall assist the election division in compiling the information required by this section. The county election board shall provide information required by the election division under this section not later than deadlines established by the election division.

SECTION 10. IC 3-7-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 2.** The NVRA official shall do the following:

(1) Coordinate with the commission to oversee the implementation and administration of NVRA by the state, county,

1 municipal, and nongovernmental offices designated as
2 registration sites under this article.

3 (2) Develop training programs to assist the offices described in
4 subdivision (1) in properly administering registration services.

5 (3) Protect the fundamental rights of voters.

6 (4) Consult with the federal Election **Assistance** Commission
7 under 42 U.S.C. 1973gg-7 to develop a federal mail registration
8 form.

9 (5) Comply with 42 U.S.C. 1973gg-4(b) by making federal and
10 state mail registration forms available for distribution through
11 governmental and private entities, with particular emphasis on
12 making the forms available for organized voter registration
13 programs.

14 (6) Comply with 42 U.S.C. 1973gg-6(g) by notifying a county
15 registration officer whenever the NVRA official receives
16 information from a United States attorney that:

17 (A) a person has been convicted of a felony in a district court
18 of the United States; or

19 (B) the conviction has been overturned.

20 (7) Receive notices from voter registration agencies in other states
21 indicating that a person has registered in that state and requests
22 that the person's registration in Indiana be canceled.

23 (8) Forward notices received under subdivision (7) to the
24 appropriate circuit court clerk or board of registration for
25 cancellation of the voter's registration as provided in 42 U.S.C.
26 1973gg-6(a)(3)(A).

27 (9) Assist the federal Election **Assistance** Commission under 42
28 U.S.C. 1973gg-7(a)(3) by preparing reports concerning the impact
29 of NVRA on election administration in Indiana.

30 (10) Recommend improvements to the federal Election
31 **Assistance** Commission concerning federal and state procedures,
32 forms, or other matters affected by NVRA.

33 (11) Develop public awareness programs to assist voters in
34 understanding the services available to them under NVRA.

35 SECTION 11. IC 3-7-13-13, AS AMENDED BY P.L.126-2002,
36 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2003]: Sec. 13. (a) Except as provided in ~~subsection~~
38 **subsections** (b) **and** (c), when an individual registers to vote, the

individual must provide the individual's driver's license number issued under IC 9-24-11, ~~or the individual's identification card number issued under IC 9-24-16.~~

(b) If an individual does not have a driver's license issued under IC 9-24-11, ~~or an identification card issued under IC 9-24-16~~, the individual must provide the last four (4) digits of the individual's Social Security number when the individual registers to vote.

(c) If an individual does not have a Social Security number, the individual shall be assigned a number by the statewide voter registration file.

(d) The number provided by the individual under subsection (a) or (b) **or the number assigned under subsection (c)** is the individual's voter identification number.

~~(d) A voter's voter identification number may not be changed unless the voter made an error when providing the number when registering to vote.~~

(e) If a voter transfers the voter's registration and the voter's voter identification number is not included in the voter's registration records, the voter registration officer of the county in which the voter's registration is to be transferred shall require the voter to provide the number required by subsection (a) or (b) before the voter's registration is transferred. **If the voter does not have any of the numbers described in subsection (a) or (b), a voter identification number shall be assigned to the voter as provided in subsection (c).**

SECTION 12. IC 3-7-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As provided in 42 U.S.C. 1973gg-4(a)(1), a circuit court clerk or board of registration shall accept and use the mail voter registration form prescribed by the federal Election **Assistance** Commission under 42 U.S.C. 1973gg-7(a)(2).

SECTION 13. IC 3-7-22-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. A mail registration form prescribed under section 3 of this chapter must meet the following requirements:

- (1) The form must include a statement that does the following:
 - (A) Sets forth each eligibility requirement for registration (including citizenship).
 - (B) Contains an attestation that the applicant meets each of the

1 eligibility requirements.

2 (C) Requires the signature of the applicant, under penalty of
3 perjury.

4 (2) The form must include, in print that is identical to the print
5 used in the attestation part of the application, information setting
6 forth the penalties provided by law for submission of a false voter
7 registration application.

8 **(3) The form must include the questions and the information**
9 **required by 42 U.S.C. 15483(b)(4)(A).**

10 **(4) The form must include a statement informing an**
11 **individual who registers by mail of the identification**
12 **requirements described in 42 U.S.C. 15483(b).**

13 SECTION 14. IC 3-7-22-5.5 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2003]: **Sec. 5.5. (a) If an individual who submits a registration**
16 **form under this chapter fails to answer the question required by 42**
17 **U.S.C. 15483(b)(4)(A)(i), the county voter registration office shall:**

18 **(1) notify the individual of the failure; and**

19 **(2) provide the individual with an opportunity to complete the**
20 **form in a timely manner to allow for completion of the**
21 **registration form before the next election for federal office.**

22 **(b) As provided by 42 U.S.C. 15483(b)(4)(B), if the individual**
23 **does not complete the form before the deadline provided in this**
24 **article, the individual may not vote at the next election.**

25 SECTION 15. IC 3-7-22-10 IS ADDED TO THE INDIANA CODE
26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
27 1, 2003]: **Sec. 10. (a) This section applies to a voter who:**

28 **(1) registers under this chapter; and**

29 **(2) has not previously voted in an election for a federal office**
30 **in Indiana.**

31 **(b) This section does not apply to a voter who registers under**
32 **this chapter if any of the following apply:**

33 **(1) The voter has submitted with the voter's registration form**
34 **identifying information.**

35 **(2) The voter has submitted with the voter's registration form**
36 **the voter's voter identification number, and the voter's**
37 **identification number is matched with an existing state**
38 **identification record that contains the same:**

1 (A) voter identification record number;

2 (B) name; and

3 (C) date of birth;

4 that are shown on the voter's voter registration form.

5 (3) The voter satisfies any of the following:

6 (A) The voter is entitled to vote by absentee ballot under
7 the federal Uniformed and Overseas Citizens Absentee
8 Voting Act (42 U.S.C. 1973ff-1 et seq.).

9 (B) The voter is provided the right to vote otherwise than
10 in person under Section 3(b)(2)(B)(ii) of the federal Voting
11 Accessibility for the Elderly and Handicapped Act (42
12 U.S.C. 1973ee-1(b)(2)(B)(ii)).

13 (C) The voter is entitled to vote otherwise than in person
14 under any other federal law.

15 (c) The county voter registration office shall make notations on
16 the voter's voter registration records and on the poll list to indicate
17 that:

18 (1) the voter must be required to show identifying information
19 before the voter is permitted to vote, for a voter who votes in
20 person; or

21 (2) the absentee ballots submitted by the voter should be
22 treated as a provisional ballot unless the voter submits
23 identifying information with the voter's absentee ballots.

24 (d) The county voter registration office shall remove the
25 notation described in subsection (c) after the voter votes in an
26 election for a federal office.

27 SECTION 16. IC 3-7-26-2, AS AMENDED BY P.L.199-2001,
28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2003]: Sec. 2. (a) The election division shall develop and
30 maintain a statewide voter registration file.

31 (b) Subject to section 20 of this chapter, not later than ~~July~~ **January**
32 1, 2004, the election division shall maintain the statewide voter
33 registration file so that the file is accessible by the election division and
34 county voter registration offices through a secure connection over the
35 Internet.

36 (c) **The statewide voter registration file must comply with the**
37 **standards and requirements described in 42 U.S.C. 15483.**

38 SECTION 17. IC 3-7-26-3, AS AMENDED BY P.L.199-2001,

1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2003]: Sec. 3. (a) Each county voter registration office shall
3 provide the voter registration information required under section 7 of
4 this chapter to the election division.

5 (b) The voter registration office shall ~~periodically~~ update the voter
6 registration information as provided in this chapter and in IC 3-7-38.1.

7 (c) The election division shall format the statewide voter registration
8 file required under section 2(b) of this chapter so that only the county
9 voter registration office of a particular county is able to change data in
10 the file for that particular county's voters.

11 SECTION 18. IC 3-7-26-4 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. ~~Each year The circuit~~
13 ~~court clerk or board of registration~~ **county voter registration office**
14 shall submit the information ~~before noon February 15, current as of~~
15 **February 1, to the statewide voter registration file on an expedited**
16 **basis at the time the information is provided to the county voter**
17 **registration office.**

18 SECTION 19. IC 3-7-26-8, AS AMENDED BY P.L.199-2001,
19 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2003]: Sec. 8. (a) Until a county has the capability to transmit
21 the information over the Internet as required under subsection (b), the
22 information required by section 7 of this chapter shall be provided on
23 magnetic media or other machine readable form to the election
24 division.

25 (b) Subject to section 20 of this chapter, not later than ~~July~~ **January**
26 **1, 2004**, a county voter registration office shall transmit the information
27 required by section 7 of this chapter to the election division over the
28 Internet, in a manner and using a method prescribed by the election
29 division, through a secure connection to the statewide voter registration
30 file.

31 (c) The commission shall prescribe a format to ensure the
32 standardization and readability of the data provided under subsection
33 (a) or (b).

34 SECTION 20. IC 3-7-26-20, AS ADDED BY P.L.199-2001,
35 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2003]: Sec. 20. (a) As used in this section, "file" refers to the
37 statewide voter registration file developed and maintained under
38 section 2 of this chapter.

(b) Notwithstanding the deadlines for implementation of the file required by section 2 or ~~section~~ 8 of this chapter, the election division may delay implementation of all or any part of the operation of the file required by section 2 or ~~section~~ 8 of this chapter if ~~the commission~~ **adopts a resolution to delay implementation; the election division makes the certification to the federal Election Assistance Commission required by 42 U.S.C. 15483(d)(1)(B).**

~~(c) A resolution adopted under subsection (b) must contain all of the following:~~

~~(1) A statement of the reasons for the delay of implementation.~~

~~(2) A statement by the commission that the commission considers the reasons stated under subdivision (1) as sufficient cause to delay implementation.~~

~~(3) A new deadline for implementation of the part of the operation of the file that is delayed under the resolution.~~

~~(d) The commission may do the following:~~

~~(1) amend a resolution adopted under this section.~~

~~(2) Adopt more than one (1) resolution under this section.~~

~~(e) (c) Not later than thirty (30) days after the commission adopts~~ **election division makes a resolution certification** under this section, the election division shall send a copy of the **resolution certification required by subsection (b)** to the following:

~~(1) The legislative council.~~

~~(2) The census data advisory committee established by IC 2-5-19-2.~~

(d) This section expires January 1, 2006.

SECTION 21. IC 3-7-26.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 26.5. Statewide Voter Registration Advisory Committee

Sec. 1. As used in this chapter, "committee" refers to the statewide voter registration advisory committee established by section 2 of this chapter.

Sec. 2. The statewide voter registration advisory committee is established.

Sec. 3. The committee consists of the following:

(1) The co-directors of the election division.

1 (2) The circuit court clerks of the two (2) most populous
2 counties in Indiana as required by 42 U.S.C. 15405.

3 (3) Other individuals appointed by the co-directors in
4 conformance with 42 U.S.C. 15405.

5 **Sec. 4. The committee shall assist in developing the state plan**
6 **required by 42 U.S.C. 15404.**

7 **Sec. 5. In developing the state plan, the committee shall comply**
8 **with 42 U.S.C. 15401 through 42 U.S.C. 15408.**

9 **Sec. 6. (a) For purposes of this section, an individual who holds:**

10 (1) a state office is considered an employee of the state; or

11 (2) an office of a political subdivision is considered an
12 employee of the political subdivision.

13 **(b) Each member of the committee who is not a state employee**
14 **or an employee of a political subdivision is entitled to receive both**
15 **of the following:**

16 (1) The minimum salary per diem provided by
17 IC 4-10-11-2.1(b).

18 (2) Reimbursement for travel expenses and other expenses
19 actually incurred in connection with the member's duties, as
20 provided in the state travel policies and procedures
21 established by the Indiana department of administration and
22 approved by the budget agency.

23 **(c) Each member of the committee who is a state employee or an**
24 **employee of a political subdivision is entitled to reimbursement for**
25 **travel expenses and other expenses actually incurred in connection**
26 **with the member's duties, as provided in the state travel policies**
27 **and procedures established by the Indiana department of**
28 **administration and approved by the budget agency.**

29 **Sec. 7. The committee's expenses shall be paid from the Section**
30 **101 account of the election administration fund established by**
31 **IC 3-5-9-3.**

32 SECTION 22. IC 3-11-3-11, AS AMENDED BY P.L.126-2002,
33 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2003]: Sec. 11. The county election board shall deliver the
35 following to each inspector or the inspector's representative:

36 (1) The sealed package of paper ballots, provisional ballots,
37 sample ballots, and any other supplies provided for the inspector's
38 precinct by the election division.

(2) The local sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The local ballots printed under the direction of the county election board as follows:

(A) The number of ballots equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where voting machines, ballot card systems, or electronic voting systems are to be used, the number of paper ballots that will be required for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the instructions to provisional voters prescribed by the county election board under IC 3-11.7-6-3. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under this section.

SECTION 23. IC 3-11-4-6, AS AMENDED BY P.L.126-2002, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) This section applies, notwithstanding any other provision of this title, to absentee ballot applications for the following:

(1) An absent uniformed services voter.

(2) An address confidentiality program participant (as defined in IC 5-26.5-1-6).

(3) An overseas voter.

(b) A county election board shall make blank absentee ballot applications available for persons covered by this section after November 20 preceding the election to which the application applies. Except as provided in subsection (c), the person may apply for an absentee ballot at any time after the applications are made available.

(c) A person covered by this section may apply for an absentee ballot for the next scheduled primary, general, or special election at any time by filing a standard form approved under 42 U.S.C. 1973ff(b).

(d) If the county election board receives an absentee ballot application from a person described by this section, the circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under sections 13 and 15 of this chapter.

(e) (d) Whenever a voter described in subsection (a) files an application for a primary election absentee ballot and indicates on the application that:

(1) the voter is an absent uniformed services voter; and does not expect to be in the county on general election day and on the date of any special election conducted during the twelve (12) months following the date of the application;

(2) the voter is an address confidentiality program participant; or

(3) (2) the voter is an overseas voter; and does not expect to be in the county on general election day and on the date of any special election conducted during the twelve (12) months following the date of the application;

the application is an adequate application for a general election absentee ballot ballots under this chapter and an absentee ballot for a special each election conducted during the twelve (12) months for federal office through the next two (2) regularly scheduled general elections for federal office following the date of the application. The circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately after the circuit court clerk receives the ballots under sections 13 and 15 of this chapter.

(e) Whenever a voter files an application for an absentee ballot and indicates on the application that the voter is an address confidentiality program participant, the application is an adequate application for an absentee ballot under this chapter for each election conducted during the year for which the application is made.

(f) The circuit court clerk and county election board shall process this application applications submitted under this section and send general election and special election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.

1 ~~(f)~~ (g) The name, address, telephone number, and any other
 2 identifying information relating to a program participant (as defined in
 3 IC 5-26.5-1-6) in the address confidentiality program, as contained in
 4 a voting registration record, is declared confidential for purposes of
 5 IC 5-14-3-4(a)(1). The county voter registration office may not disclose
 6 for public inspection or copying a name, an address, a telephone
 7 number, or any other information described in this subsection, as
 8 contained in a voting registration record, except as follows:

9 (1) To a law enforcement agency, upon request.

10 (2) As directed by a court order.

11 ~~(g)~~ (h) The county election board shall transmit and receive
 12 absentee ballots by fax to an absent uniformed services voter or an
 13 overseas voter at the request of the voter. If the voter wants to submit
 14 absentee ballots by fax, the voter must separately sign and date a
 15 statement on the cover of the fax transmission that states substantively
 16 the following: "I understand that by faxing my voted ballot I am
 17 voluntarily waiving my right to a secret ballot."

18 ~~(h)~~ (i) The county election board shall send confirmation to a voter
 19 described in subsection ~~(g)~~ (h) that the voter's absentee ballot has been
 20 received as follows:

21 (1) If the voter provides a fax number to which a confirmation
 22 may be sent, the county election board shall send the confirmation
 23 to the voter at the fax number provided by the voter.

24 (2) If the voter provides an electronic mail address to which a
 25 confirmation may be sent, the county election board shall send the
 26 confirmation to the voter at the electronic mail address provided
 27 by the voter.

28 (3) If the voter does not provide a fax number or an electronic
 29 mail address, the county election board shall send the
 30 confirmation by United States mail.

31 The county election board shall send the confirmation required by this
 32 subsection not later than the end of the first business day after the
 33 county election board receives the voter's absentee ballot.

34 **(j) If an absentee ballot application from an absent uniformed**
 35 **services voter or an overseas voter is rejected, the county election**
 36 **board shall provide the voter with the reasons for the rejection in**
 37 **the same manner as a confirmation is sent under subsection (i).**

38 SECTION 24. IC 3-11-5-27 IS ADDED TO THE INDIANA CODE

1 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2003]: **Sec. 27. This chapter expires January 1, 2006.**

3 SECTION 25. IC 3-11-7-1, AS AMENDED BY P.L.239-2001,
4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2003]: Sec. 1. (a) The commission must approve a ballot card
6 voting system before it may be used in an election.

7 (b) After June 30, 2001, the commission may not approve a punch
8 card voting system for use in an election.

9 **(c) After December 31, 2003, a punch card voting system may**
10 **not be used in an election.**

11 SECTION 26. IC 3-11-8-25, AS AMENDED BY P.L.199-2001,
12 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2003]: Sec. 25. (a) After a voter has passed the challengers or
14 has been sworn in, the voter shall be admitted to the polls. Upon
15 entering the polls, the voter shall announce the voter's name to the poll
16 clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a
17 member of the precinct election board shall require the voter to **do the**
18 **following:**

19 (1) Write the following on the poll list:

20 (1) (A) The voter's name.

21 (2) (B) The voter's current residence address.

22 **(2) Show identifying information if a notation has been made**
23 **for the voter's name on the poll list under IC 3-7-22-10.**

24 (b) The poll clerk, an assistant poll clerk, or a member of the
25 precinct election board shall:

26 (1) ask the voter to provide the voter's voter identification
27 number;

28 (2) tell the voter the number the voter may use as a voter
29 identification number; and

30 (3) explain to the voter that the voter is not required to provide a
31 voter identification number at the polls.

32 (c) This subsection does not apply to a precinct in a county with a
33 computerized registration system whose inspector was:

34 (1) furnished with a list certified under IC 3-7-29; and

35 (2) not furnished with a certified photocopy of the signature on
36 the affidavit of registration of each voter of the precinct for the
37 comparison of signatures under this section.

38 In case of doubt concerning a voter's identity, the precinct election

board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(d) If, in a precinct governed by subsection (c):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22 of this chapter or had executed the affidavit before signing the poll list;

the voter may then vote.

SECTION 27. IC 3-11-10-1, AS AMENDED BY P.L.126-2002, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A voter voting by absentee ballot shall make and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter then shall, except as provided in subsection (b), do the following:

(1) Mark the ballot in the presence of no other person.

(2) Fold each ballot separately.

(3) Fold each ballot so as to conceal the marking.

(4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided.

(5) Securely seal the envelope.

(6) If IC 3-7-22-10 applies to the voter, place a copy of identifying information:

(A) in the envelope in which the ballots are mailed; and

(B) not in the envelope described in subdivision (5).

(7) Do one (1) of the following:

(A) Mail the envelope to the county election board, with not more than one (1) ballot per envelope.

(B) Deliver the envelope to the county election board in person.

(C) Deliver the envelope to a member of the voter's household or a person designated as the attorney in fact for the voter under IC 30-5.

(b) A voter permitted to transmit the voter's absentee ballots by fax

under IC 3-11-4-6 is not required to comply with subsection (a). The individual designated by the circuit court clerk to receive absentee ballots transmitted by fax shall do the following upon receipt of an absentee ballot transmitted by fax:

- (1) Note the receipt of the absentee ballot in the records of the circuit court clerk as other absentee ballots received by the circuit court clerk are noted.
- (2) Fold each ballot received from the voter separately so as to conceal the marking.
- (3) Enclose each ballot in a blank absentee ballot envelope.
- (4) Securely seal the envelope.
- (5) Mark on the envelope: "Absentee Ballot Received by Fax".
- (6) Securely attach to the envelope the faxed affidavit received with the voter's absentee ballots.

(c) Except as otherwise provided in this title, absentee ballots received by fax shall be handled and processed as other absentee ballots received by the circuit court clerk are handled and processed.

SECTION 28. IC 3-11-10-4, AS AMENDED BY P.L.126-2002, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) Upon receipt of an absentee ballot, a county election board (or the absentee voter board in the office of the circuit court clerk) shall immediately examine the signature of the absentee voter to determine its genuineness.

(b) This subsection does not apply to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax under IC 3-11-4-6. The board shall compare the signature as it appears upon the envelope containing the absentee ballot with the signature of the voter as it appears upon the application for the absentee ballot. The board may also compare the signature on the ballot envelope with any other admittedly genuine signature of the voter.

(c) This subsection applies to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax under IC 3-11-4-6. The board shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the application for the absentee ballot. The board may also compare the signature on the affidavit with any other admittedly genuine signature of the voter.

(d) This subsection applies to the absentee ballots cast by a voter

1 **to whom IC 3-7-22-10 applies. If identifying information is not**
 2 **included with the absentee ballot envelope, the board shall write on**
 3 **the ballot envelope that the ballots must be treated as provisional**
 4 **ballots under IC 3-11.7.**

5 (e) If a member of the absentee voter board questions whether a
 6 signature on a ballot envelope or transmitted affidavit is genuine, the
 7 matter shall be referred to the county election board for consideration
 8 under section 5 of this chapter.

9 SECTION 29. IC 3-11-10-12 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) Each county
 11 election board shall have all absentee ballots **(including absentee**
 12 **ballots required to be treated as provisional ballots)** delivered to the
 13 precinct election boards at their respective polls on election day.

14 (b) The absentee ballots shall be delivered during the hours that the
 15 polls are open and in sufficient time to enable the precinct election
 16 boards to vote the ballots during the time the polls are open.

17 (c) This subsection applies to a special write-in absentee ballot
 18 described in:

19 (1) 42 U.S.C. 1973ff for federal offices; and

20 (2) IC 3-11-4-12(d) for state offices.

21 If the county election board receives both a special write-in absentee
 22 ballot and the regular absentee ballot described by IC 3-11-4-12 from
 23 the same voter, the county election board shall reject the special
 24 write-in ballot and deliver only the regular absentee ballot to the
 25 precinct election board.

26 SECTION 30. IC 3-11-10-16, AS AMENDED BY P.L.126-2002,
 27 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2003]: Sec. 16. (a) If the inspector finds under section 15 of
 29 this chapter that:

30 (1) the affidavit is properly executed;

31 (2) the signatures correspond;

32 (3) the absentee voter is a qualified voter of the precinct;

33 (4) the absentee voter is registered;

34 (5) the absentee voter has not voted in person at the election; ~~and~~

35 (6) in case of a primary election, if the absentee voter has not
 36 previously voted, the absentee voter has executed the proper
 37 declaration relative to age and qualifications and the political
 38 party with which the absentee voter intends to affiliate; **and**

1 **(7) the absentee ballot is not required to be treated as a**
 2 **provisional ballot as provided in section 4 of this chapter;**

3 then the inspector shall open the envelope containing the absentee
 4 ballots so as not to deface or destroy the affidavit and take out each
 5 ballot enclosed without unfolding or permitting a ballot to be unfolded
 6 or examined.

7 (b) The inspector shall then hand the ballots to the judges who shall
 8 deposit the ballots in the proper ballot box and enter the absentee
 9 voter's name on the poll list, as if the absentee voter had been present
 10 and voted in person. If the voter has registered and voted under
 11 IC 3-7-36-14, the inspector shall attach to the poll list the circuit court
 12 clerk's certification that the voter has registered.

13 (c) If an absentee ballot is opened under this section in a precinct
 14 using voting machines, the precinct election board shall prepare
 15 certificates and memoranda under IC 3-12-2-6 that distinguish the
 16 votes cast by absentee ballots from votes cast on voting machines.

17 SECTION 31. IC 3-11-10-28 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 28. (a) A voter voting
 19 before an absentee voter board shall mark the voter's ballot in the
 20 presence of the board, but not in such a manner that either of the
 21 members of the board can see for whom the voter voted, unless the
 22 voter requests the help of the board in marking a ballot under
 23 IC 3-11-9.

24 (b) The voter shall then, in the presence of the board, place the
 25 ballot in an envelope furnished by the county election board.

26 (c) The circuit court clerk shall provide, to the extent practicable,
 27 the same degree of privacy to absentee voters voting at the office of the
 28 circuit court clerk as provided to voters at the polls on election day.

29 **(d) If the voter is a voter to whom IC 3-7-22-10 applies, the**
 30 **voter must show identifying information before the voter votes**
 31 **under this section. If the voter does not have identifying**
 32 **information, the voter's ballots shall be treated as provisional**
 33 **ballots under IC 3-11.7.**

34 SECTION 32. IC 3-11-10-35 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 35. (a) **This section**
 36 **does not apply to an absentee ballot required to be treated as a**
 37 **provisional ballot.**

38 (b) If an envelope containing an absentee ballot has not been opened

1 before the close of the polls, then the envelope may not be opened
2 without an order of a court.

3 SECTION 33. IC 3-11-15-13, AS AMENDED BY P.L.126-2002,
4 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2003]: Sec. 13. (a) ~~Except as provided in this chapter,~~ To be
6 approved for use in Indiana, a voting system shall meet **the following**
7 **standards:**

8 **(1) A voting system must be accessible for individuals with**
9 **disabilities, including nonvisual accessibility for the blind and**
10 **visually impaired in a manner that provides the same**
11 **opportunity for access and participation (including privacy**
12 **and independence) as for other voters. A county complies with**
13 **the standards described in this subdivision if each polling**
14 **place in the county has at least one (1) voting system equipped**
15 **for individuals with disabilities that complies with the**
16 **standards described in this subdivision.**

17 **(2) A voting system must do the following:**

18 **(A) Permit the voter to verify (in a private and**
19 **independent manner) the votes selected by the voter on the**
20 **ballot before the ballot is cast and counted.**

21 **(B) Provide the voter with the opportunity (in a private**
22 **and independent manner) to change the ballot or correct**
23 **any error before the ballot is cast and counted (including**
24 **the opportunity to correct the error through the issuance**
25 **of a replacement ballot if the voter was otherwise unable**
26 **to change the ballot or correct any error).**

27 **(C) If the voter selects votes for more than one (1)**
28 **candidate for a single office, the voting system must:**

29 **(i) notify the voter that the voter has selected more than**
30 **one (1) candidate for a single office on the ballot;**

31 **(ii) notify the voter before the ballot is cast and counted**
32 **of the effect of casting multiple votes for the office; and**

33 **(iii) provide the voter with the opportunity to correct the**
34 **ballot before the ballot is cast and counted.**

35 **A voting system must ensure that any notification required**
36 **under this clause preserves the privacy of the voter and the**
37 **confidentiality of the ballot.**

38 **(3) A voting system must produce a record with an audit**

capacity for the voting system that satisfies the following:

(A) The voting system must produce a permanent paper record with a manual audit capacity for the voting system.

(B) The voting system must provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(C) The paper record produced under clause (A) must be available as an official record for any recount conducted with respect to any election in which the voting system is used.

(4) A voting system must provide alternative language accessibility under the requirements of 42 U.S.C. 1973aa-1a.

(5) The error rate of a voting system in counting ballots (determined by taking into account only those errors that are attributable to the voting system and not attributable to an act of the voter) must comply with the error rate standards established by the Voting Systems Standards approved by the Federal Election Commission on April 30, 2002.

(6) A voting system must meet the Voting System Standards established by the Performance and Test Standards for Punchcard, Marksense, and Direct Recording Electronic Voting Systems issued approved by the Federal Election Commission on January 25, 1990: April 30, 2002.

(b) The commission may adopt rules under IC 4-22-2 to require a voting system to meet standards more recent than standards described in subsection (a): (a)(6). If the commission adopts rules under this subsection, a voting system must meet the standards described in the rules instead of the standards described in subsection (a): (a)(6).

SECTION 34. IC 3-11.7-2-1, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) This section applies to the following individuals:

(1) An individual:

(+) (A) whose name does not appear on the registration list; and

(-) (B) who is not permitted to vote under IC 3-7-48-1, IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or IC 3-10-12.

(2) An individual who seeks to vote in an election as a result of a court order or any other order extending the time established for closing the polls under IC 3-11-8-8.

(3) An individual required to show identifying information under this title who does not have any of the identifying information.

(b) A member of the precinct election board shall inform an individual described in subsection (a)(1) that the individual may cast a provisional ballot if the individual executes an affidavit described in IC 3-11-8-23.

(c) A member of the precinct election board shall inform an individual described in subsection (a)(2) that the individual may cast a provisional ballot.

(d) The ballots of an individual described in subsection (a)(3) shall be treated as a provisional ballot under this article.

SECTION 35. IC 3-11.7-2-2, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) A provisional voter shall do the following:

(1) Mark the ballot in the presence of no other person, unless the voter requests help in marking a ballot under IC 3-11-9.

(2) Fold each ballot separately.

(3) Fold each ballot so as to conceal the marking.

(4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided by the county election board under IC 3-11.7-1-8.

(5) Securely seal the envelope.

(b) A provisional voter may mark a ballot with a pen or a lead pencil.

(c) This subsection applies to a provisional voter described in section 1(a)(1) or 1(a)(2) of this chapter. Upon receiving the envelope containing the provisional voter's ballots, a member of the precinct election board shall give the provisional voter the written instructions prescribed by the county election board under IC 3-11.7-6-3.

SECTION 36. IC 3-11.7-2-3, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) The precinct election board shall affix to the

envelope the challenger's affidavit and the affidavit executed by the provisional voter under section 1 of this chapter.

(b) **Except as provided in subsection (c)**, the precinct election board shall securely keep the sealed envelope, along with the affidavits affixed to the envelope, in another envelope or container marked "Provisional Ballots".

(c) **This subsection applies to the sealed envelope and affixed affidavits of a provisional voter described in section 1(a)(2) of this chapter. The precinct election board shall securely keep the sealed envelope in an envelope or container different from the envelope or container described in subsection (b). The envelope or container described in this subsection must be marked "Special Order Provisional Ballots".**

SECTION 37. IC 3-11.7-2-4, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) At the close of the polls, the precinct election board shall **do the following:**

(1) Seal:

(1) (A) all the provisional ballots; and

(2) (B) any spoiled provisional ballots;

of provisional voters other than provisional voters described in section 1(a)(2) of this chapter in the container described in section 3(b) of this chapter and mark on the container the number of provisional ballots contained.

(2) Seal:

(A) all the provisional ballots; and

(B) any spoiled provisional ballots;

of provisional voters described in section 1(a)(2) of this chapter in the container described in section 3(c) of this chapter and mark on the container the number of provisional ballots contained.

(b) The inspector shall return the ~~container~~ **containers** with all the provisional ballots to the circuit court clerk after the close of the polls.

SECTION 38. IC 3-11.7-6-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) **The county election board shall establish a toll free telephone number or an Internet web site that will enable a provisional voter to ascertain:**

1 **(1) whether the provisional voter's ballots have been counted;**
 2 **and**

3 **(2) if the provisional voter's ballots have not been counted, the**
 4 **reason that the ballots were not counted.**

5 **(b) The county election board shall prescribe written**
 6 **instructions that inform a provisional voter how the provisional**
 7 **voter may ascertain whether the provisional voter's ballots have**
 8 **been counted.**

9 SECTION 39. IC 5-26.5-2-5, AS ADDED BY P.L.273-2001,
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2003]: Sec. 5. A program participant who is otherwise
 12 qualified to vote may apply to vote in the same manner as an absent
 13 uniformed services voter under provided in IC 3-11-4-6.

14 SECTION 40. IC 3-11-6.5 IS REPEALED [EFFECTIVE JULY 1,
 15 2003].

16 SECTION 41. [EFFECTIVE JULY 1, 2003] (a) As used in this
 17 SECTION, "committee" refers to the state election administration
 18 interim study committee established by subsection (b).

19 (b) There is established the state election administration interim
 20 study committee.

21 (c) The committee shall do the following:

22 **(1) Study the structure of the state's election administration**
 23 **system.**

24 **(2) Study other issues relating to the administration of state**
 25 **elections that the committee considers relevant.**

26 **(3) Study any issues assigned to the committee by the**
 27 **legislative council.**

28 **(4) Make recommendations for legislation regarding issues**
 29 **studied under subdivisions (1) through (3).**

30 (d) The committee shall operate under the policies governing
 31 study committees adopted by the legislative council.

32 (e) The affirmative votes of a majority of the voting members
 33 appointed to the committee are required for the committee to take
 34 action on any measure, including final reports.

35 (f) This SECTION expires January 1, 2004.

36 SECTION 42. [EFFECTIVE UPON PASSAGE] (a) As used in this
 37 SECTION, "federal act" refers to the federal Help America Vote
 38 Act of 2002.

1 (b) Not later than April 15, 2003, the governor, in consultation
2 and coordination with the secretary of state, shall notify the federal
3 Administrator of General Services that the state of Indiana intends
4 to use payments under Section 101 of the federal act in accordance
5 with Section 101 of the federal act.

6 (c) This SECTION expires January 1, 2004.

7 SECTION 43. [EFFECTIVE UPON PASSAGE] (a) As used in this
8 SECTION, "federal act" refers to the federal Help America Vote
9 Act of 2002.

10 (b) Not later than April 15, 2003, the governor, in consultation
11 and coordination with the secretary of state, shall give the notice
12 to the federal Administrator of General Services under Section
13 102(b) of the federal act in accordance with Section 102 of the
14 federal act.

15 (c) This SECTION expires January 1, 2004.

16 SECTION 44. [EFFECTIVE UPON PASSAGE] (a) As used in this
17 SECTION, "federal act" refers to the federal Help America Vote
18 Act of 2002.

19 (b) Not later than July 1, 2003, the governor, in consultation and
20 coordination with the co-directors of the election division
21 appointed under IC 3-6-4.2-3, shall file with the federal Election
22 Assistance Commission the statement required by Section 253(a)
23 of the federal act.

24 (c) This SECTION expires January 1, 2004.

25 SECTION 45. [EFFECTIVE JULY 1, 2003] (a) As used in this
26 SECTION, "federal act" refers to the federal Help America Vote
27 Act of 2002.

28 (b) Notwithstanding IC 3-11-5-1(c), as amended by this act, a
29 voting machine system may be used in an election if the secretary
30 of state certifies to the federal Administrator of General Services
31 under Section 102(a)(3)(B) of the federal act that the state cannot
32 replace all voting machine systems in Indiana before January 1,
33 2004.

34 (c) Notwithstanding IC 3-11-7-1(c), as amended by this act, a
35 punch card voting system may be used in an election if the
36 secretary of state certifies to the federal Administrator of General
37 Services under Section 102(a)(3)(B) of the federal act that the state
38 cannot replace all punch card voting systems in Indiana before

1 **January 1, 2004.**
2 (b) **This SECTION expires January 1, 2006.**
3 SECTION 46. [EFFECTIVE JULY 1, 2003] (a) **As used in this**
4 **SECTION, "commission" refers to the Indiana protection and**
5 **advocacy services commission established by IC 12-28-1-6.**
6 (b) **As used in this SECTION, "federal act" refers to Title II,**
7 **Subtitle D, Part 5 of the federal Help America Vote Act of 2002.**
8 (c) **All money received by the commission from the Secretary of**
9 **Health and Human Services under the federal act is appropriated**
10 **beginning July 1, 2003, for activities permitted under the federal**
11 **act to ensure full participation in the electoral process for**
12 **individuals with disabilities, including registering to vote, casting**
13 **a vote, and accessing polling places.**
14 (d) **This SECTION expires July 1, 2005.**
15 **SECTION 47. An emergency is declared for this act.**
 (Reference is to SB 268 as printed February 28, 2003.)

and when so amended that said bill do pass.

